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IT IS SO ORDERED.

Dated: January 23, 2020




Guy R. Humphrey
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

In re:)	Case No. 14-32453
)	
ANDREW M. BROWNE,)	Chapter 13
Debtor.)	
)	Judge Humphrey
)	
<u>Creditor:</u> U.S. Bank, N.A., <i>et al.</i>)	
<u>Servicer:</u> BSI Financial Services)	Hearing: 2/20/2020 10:30 a.m.
<u>Address:</u>)	
1425 Greenway Drive, Suite 400)	
Irving, TX 75038)	

**AGREED ORDER RESOLVING MOTION FOR ESCROW ACCOUNTING OF THE
UNITED STATES TRUSTEE (Docket No. 65) AND OBJECTION TO NOTICE OF
MORTGAGE PAYMENT CHANGE OF THE CHAPTER 13 TRUSTEE (Docket No. 58)
RELATED TO THE CLAIM OF U.S. BANK, N.A., ET AL. (Claim No. 4-1) and
RELATED NOTICE OF PAYMENT CHANGE (Docket No. 57)**

This case came on for consideration upon the United States Trustee's Motion for Escrow Accounting and the Chapter 13 Trustee's Objection to Notice of Mortgage Payment Change of U.S. Bank, N.A., *et al.*, by and through its mortgage loan servicer BSI Financial Services, (hereinafter collectively as "Claimant") (Docket Nos. 65 and 58, respectively, Claim No. 4-1).

The parties enter the following Stipulations:

1. Debtor filed his Petition on July 10, 2014 (Docket No. 1).

2. Claimant filed its Proof of Claim on October 30, 2014 (Claim No. 4-1). The Claim was assigned on July 25, 2018 (Docket No. 54).
3. Claimant filed a Notice of Mortgage Payment Change on July 11, 2019 (“Notice,” Docket No. 57).
4. No Notices of Mortgage Payment Change were filed prior to 2019.
5. The Chapter 13 Trustee filed his Objection to the Notice on July 15, 2019, (Docket No. 58). Claimant filed its Response on September 10, 2019 (Docket No. 62).
6. The U.S. Trustee filed his Motion on October 15, 2019, (Docket No. 65). Claimant filed its Objection on October 23, 2019 (Docket No. 67).
7. This Court issued a first consolidated Notice of Hearing scheduling hearing for December 19, 2019 (Docket No. 70). That hearing was continued twice and is currently scheduled for February 20, 2020 (Docket No. 75 and virtual entry of January 8, 2020).
8. After communication of the parties, this Agreed Order is full resolution of the pending matters with the following terms:
 - a. Claimant waives from Debtor’s mortgage loan account \$1,064.41 in aggregate fees and costs (\$850 in Bankruptcy Fees; \$176 in Bankruptcy Costs; and \$38.41 in Late Fees).
 - b. Claimant also credits Debtor’s mortgage loan in the amount of \$551.14;
 - c. Said waived fees, costs, and credits will never be collected at any point in time by Claimant against Debtor.
 - d. The Trustee is holding funds sufficient to pay the mortgage payments for November and December 2019 and January and February 2020, and intends to make the payments to Claimant after the entry of this order.
 - e. Debtor’s current escrow account balance is \$1,584.13 with a projected surplus of \$198.13 after the Trustee makes the payments referenced above.
 - f. Debtor’s monthly mortgage payment effective February 1, 2020, is as follows:
 - \$768.37 for principal and interest
 - \$422.80 for escrow
 - \$1,191.17 TOTAL MONTHLY PAYMENT

g. Claimant shall update its internal records consistent with the terms of this Order.

In light of the foregoing Stipulations, the Court finds this Agreed Order well taken. Good cause appearing, therefore:

IT IS HEREBY ORDERED that Claimant shall make permanent to Debtor's mortgage loan account the waiver of fees and costs in the amount of \$1,064.41 and the credits in the amount of \$551.14. Claimant will not seek the collection of such fees, costs, and credits at any point in time by Claimant against Debtor.

IT IS FURTHER ORDERED Debtors' monthly escrow payment effective February 1, 2020, in the amount of \$422.80 is equal to the base amount (estimated taxes, insurance and any other escrowed items disbursed in the aggregate amount of \$5,073.60 divided by 12 months). Debtor's total monthly payment is \$1,191.17 (\$768.37 for principal and interest, and \$422.80 for escrow) effective February 1, 2020.

IT IS FURTHER ORDERED that if this Order is entered on or before January 27, 2020, the Trustee is ordered to pay Claimant the funds he holds for the mortgage no later than February 1, 2020. If the Order is entered after January 27, 2020, the Trustee shall pay Claimant said funds 10 days after the date the order is entered.

IT IS FURTHER ORDERED that Claimant shall update its internal records consistent with the terms of this Order, and provide the United States Trustee, the Trustee, Debtor, and Debtor's Counsel with copies of an updated account reconciliation and current escrow statement for the period ending February 28, 2020, no later than March 16, 2020.

IT IS SO ORDERED.

SUBMITTED BY:

ANDREW R. VARA
UNITED STATES TRUSTEE, REGIONS 3 AND 9

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